

JOURNAL OF THE HOUSE.

Thursday, June 22, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, we look to You for guidance as we address a variety of legislative and personal items, some simple, but others complex, on our agenda for this day. Your assistance enables us to keep our goals, ideals, priorities and even the purpose of our very existence in perspective. This moment of reflection and prayer also helps us to recognize our best possible options in resolving issues conscientiously. Grant us the knowledge and the wisdom to evaluate rightly programs, legislation and their consequences on the present and future needs of people and the Commonwealth.

Bestow Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor — Veto.

Cherry Valley
and Rochdale
Water District.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to the Cherry Valley and Rochdale Water District [see House, No. 1290, amended] (for message, see House, No. 5080) was filed in the Office of the Clerk on Wednesday, June 21.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next session, the question being on passing said bill, notwithstanding the said objections.

Messages from the Governor.

Flood
emergency,
appropriations.

A message from His Excellency the Governor recommending legislation relative to making adjustments to existing appropriations (House, No. 5081) was filed in the office of the Clerk on Wednesday, June 21.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Springfield,
financial
stability.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to further enhancing financial stability in the city of Springfield (House, No. 5082) was filed in the office of the Clerk on Wednesday, June 21.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

THURSDAY, JUNE 22, 2006.

Statement of Representative Falzone of Saugus.

A statement of Mr. Falzone of Saugus was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was on official business in another part of the State House on Thursday last during the taking of ye and nay No. 449, on the question on acceptance of a report of the committee of conference on the supplemental appropriation bill (House, No. 5056), and was not informed that a roll call was in progress. If I had been notified that a vote was being taken I would have been recorded in the affirmative.

Statement of
Representative
Falzone of
Saugus.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Lepper of Attleboro and Poirier of North Attleborough) recognizing Joel Lovering's exemplary public service to the Attleboro school system;

Joel
Lovering.

Resolutions (filed by Messrs. Correia of Fall River and Rodrigues of Westport) congratulating and commending the Michael's Fund on the occasion of its tenth anniversary;

Michael's
Fund.

Resolutions (filed by Messrs. Galvin of Canton and Mariano of Quincy) congratulating Donald and Patricia King on the occasion of their fiftieth wedding anniversary;

Donald
and Patricia
King.

Resolutions (filed by Mr. Nyman of Hanover) congratulating Mr. and Mrs. A. Donald Deluse on the occasion of their fiftieth wedding anniversary; and

A. Donald
and Marjorie
Deluse.

Resolutions (filed by Mr. Turner of Dennis) congratulating Brewster Whitecaps Baseball Club in the opening of their new home, the Stony Brook Field;

Brewster
Whitecaps.

Mrs. Parente of Milford, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Curran of Springfield, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. Turner of Dennis presented a petition (accompanied by bill, House, No. 5087) of Cleon H. Turner, Robert A. O'Leary and others (by vote of the town) relative to establishing a golf course capital improvement fund in the town of Dennis; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Dennis,
golf fund.

Papers from the Senate.

The engrossed Bill relative to certain motor vehicle violations (see Senate, No. 2132, amended) came from the Senate with an amendment striking out section 3A and inserting in place thereof the following section:

Campus
vehicle
citations.

Campus
vehicle
citations.

“SECTION 3A. Section 2 of said chapter 90C, as so appearing, is hereby amended by inserting after the first paragraph the following 2 paragraphs:—

Each police chief appointed by the trustees of the commonwealth’s state and community colleges under section 22 of chapter 15A shall certify to the registrar, on or before January first of each year, that:

(a) the police officers appointed by the trustees at the state or community college have been issued a current first aid/CPR certificate;

(b) (i) (A) 51 per cent of such police officers have completed either the basic full-time recruit academy operated or certified by the municipal police training committee or the campus police academy operated by the Massachusetts state police, or

(B) 51 per cent of the police officers have completed a basic reserve/intermittent police officer training course approved by the municipal police training committee and have had at least 5 years experience issuing citations pursuant to this chapter 90C; and

(ii) the remaining 49 per cent of police officers have completed a minimum of a basic reserve/intermittent police officer training course approved by the municipal police training committee;

(c) such officers have completed annual in-service training of no less than 40 hours;

(d) such officers meet the same firearms qualification standards as set from time to time by the municipal police training committee if such officers have been authorized by the board of trustees of the state or community college to carry firearms;

(e) the state or community college police department submits uniform crime reports to the FBI;

(f) a memorandum of understanding has been entered into with the police chief of the municipality wherein the state or community college is located outlining the policies and procedures for utilizing the municipality’s booking and lock-up facilities, fingerprinting and breathalyzer equipment if the state or community college police department does not provide booking and lock-up facilities, fingerprinting or breathalyzer equipment; and

(g) the state or community college police department has policies and procedures in place for use of force, pursuit, arrest, search and seizure, racial profiling and motor vehicle law enforcement.

Notwithstanding the previous paragraph, nothing in this section shall limit the authority granted to the police chiefs and police officers at the state and community colleges under said section 22 of said chapter 15A or section 18 of chapter 73.”

Under suspension of Rule 35, on motion of Mr. Flynn of Bridgewater, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Reports

Of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities in the Commonwealth, as follows:

Correctional
facilities,
inspection
reports.

Of the Middlesex County Jail, in the city of Cambridge; and
Of M.C.I. Cedar Junction, in the town of Walpole.

Severally were spread upon the records of the House; and returned to the Senate.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to clinical laboratories (Senate, No. 725) be scheduled for consideration by the House.

Clinical
laboratories.

Under suspension of Rule 7A, on motion of Mr. Mariano of Quincy, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Bill to establish a commission on health literacy (House, No. 2631),— and recommending that the same be referred to the committees on Rules (with certain amendments previously recommended by the committee on Health Care Financing) pending. Under Rule 42, the report was considered forthwith; and it was accepted.

Health
literacy.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Of the Resolve providing for an investigation and study by a special commission relative to the incidence of child suicide (House, No. 4702); and

Child
suicide.

Of the Bill relative to the Bureau of Forest Fire Control (House, No. 5022);

Forest Fire
Control.

And recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, on House, Nos. 1461, 2634, 2802, 2816, 2860, 2866, 2867, 2869 and 3663, an Order relative to authorizing the committee on Children and Families to make an investigation and study of certain House documents concerning abuse and neglect of children and disabled adults (House, No. 5083).

Children
and Families,
study.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on House, Nos. 2961, 2967, 2985, 3059, 3060, 3067, 3079 and 3907, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning prescription and health care insurance coverage (House, No. 5084).

Health care,
study.

By Mr. Binienda of Worcester, for the committee on Revenue, on House, Nos. 4945, 4946 and 4999, an Order relative to authorizing the committee on Revenue to make an investigation and study of certain House documents concerning local taxes in the towns of Acton and Yarmouth and parental involvement and responsibility relative to health insurance (House, No. 5085).

Revenue,
study.

Transportation,
study.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 1961, 1966, 1970, 1974, 1980, 1981, 1986, 1989, 1990, 1991, 1997, 2001, 2012, 2013, 2019, 2027, 2029, 2037, 2038, 2042, 2047, 2055, 2061, 2062, 2076, 2077, 2078, 2080, 2081, 2089, 2094, 2101, 2105, 2111, 2112, 2115, 2117, 2123, 2126, 2127, 2130, 2134, 2139, 2141, 2147, 2151, 2156, 2163, 2169, 2173, 2177, 2181, 2182, 2183, 2184, 2185, 2193, 2194, 2195, 2199, 2206, 2207, 2208, 2209, 2211, 2214, 2215, 2222, 2223, 2227, 2229, 2232, 2235, 2236, 2238, 2240, 2242, 2245, 2248, 2249, 2250, 2252, 2253, 2254, 2255, 2258, 2259, 2260, 2262, 2263, 3472, 4035, 4038, 4039, 4040 and 4092, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning motor vehicle and highway safety and other related matters (House, No. 5086).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Engrossed Bills.

Bill
enacted.

The engrossed Bill relative to HIV and Hepatitis C prevention (see House, No. 4176, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill

The engrossed Bill relative to the authority of conservation commissions to impose consultant fees (see Senate, No. 1167) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bill.

The House Bill authorizing the Massachusetts Water Resources Authority to supply sewer services to certain property in the town of Hingham (House, No. 5010), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Second
reading
bill.

The House Bill relative to retirement benefits for Stuart Freedman (House, No. 4518) was read a second time; and it was ordered to a third reading.

Recess.

Recess.

At twenty-one minutes after eleven o'clock A.M., on motion of Ms. Provost of Somerville (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Paper from the Senate.

J. Michael
Ruane,
retirement.

The House Bill relative to a certain retired employee of the Commonwealth (House, No. 5063) came from the Senate passed to be engrossed, in concurrence, with amendments in section 2 striking out the words "buyback interest" and inserting in place thereof the words "interest that would have accrued if he had been making contributions during that period"; and in section 3 by adding the following sentence: "J. Michael Ruane, his family or other individuals or entities may make contributions to the commonwealth within 1 year after the effective date of this act, for the purpose of payment of the pension obligation calculated in section 2 and to reduce the lien established in this section."

Under suspension of Rule 35, on motion of Mr. Guyer of Dalton, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Engrossed Bill.

Bill
enacted.

The engrossed Bill relative to certain motor vehicle violations (see Senate, No. 2132, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At twelve minutes after one o'clock P.M., on motion of Mr. Rush of Boston (Mr. Donato of Medford being in the Chair), the House recessed until the hour of two o'clock; and at twelve minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

Emergency Measure.

Michael
McLaughlin,
sick leave.

The engrossed Bill establishing a sick leave bank for Michael McLaughlin, an employee of the Trial Court (see House, No. 4578), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At twenty-five minutes after two o'clock P.M., on motion of Mr. Guyer of Dalton (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before three o'clock; and at five minutes before three o'clock the House was called to order with Mr. Donato in the Chair.

J. Michael
Ruane,
retirement.

Emergency Measure.

The engrossed Bill relative to a certain retired employee of the Commonwealth (see House, No. 5063, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Bill
enacted.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 1. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

Next
sitting.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

At seven minutes after four o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.